

### **REMARKS**

Claims 1 – 18 are pending and under consideration in the above-identified application, Claims 19-79 were previously withdrawn, and Claims 80-83 were previously cancelled.

In the Final Office Action of January 6, 2009, claims 1-18 were rejected.

In this Amendment, Claims 1, are amended and Claims 18 – 79 are cancelled.

Accordingly, Claims 1 – 17 are at issue.

#### **I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims**

Claims 1-17 were rejected under 35 U.S.C. § 112, first paragraph.

With this amendment, the claims are amended taking into consideration the Examiner's suggestions. Therefore, Applicants respectfully request the withdrawal of this rejection.

#### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1-18 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Ginter* (U.S. Patent No. 5,892,900) ("*Ginter*"). Applicant respectfully traverses this rejection.

In relevant part, each of the independent claims 1, 9 and 17 now recite a second settlement log being issued to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another of the plurality of user devices every time the content is distributed by at least one of the plurality of user devices to another of the plurality of user devices.

This is clearly unlike *Ginter* which fails to disclose or even fairly suggest a second settlement log being issued to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another of the plurality of user devices every time the content is distributed by at least one of the plurality of user devices to another of the plurality of user devices. Instead, *Ginter* discloses that settlement logs are sent back to a service provider through a single chain of handling and controlling such as user to redistributor to clearinghouse **without specifying the condition which causes the settlement to be sent back through the chain**. See, U.S. Patent No. 5,892,900, Col. 296, l. 24-36. However, *Ginter*

does not disclose anything pertaining to issuing a settlement log from the receiving device to a first user device upon the transfer of content from one user device to another.

As the Applicant's specification discloses, by issuing a second settlement log to a first of the plurality of user devices from at least one of the plurality of user devices distributing the content to another of the plurality of user devices every time the content is distributed by the at least one of the plurality of user devices to another of the plurality of user devices. See, U.S. Pat. Pub. No. 2003/0105720, Para. [0240]. Further, the number of transfers between user devices can be counted and thereby restricted. See, *Id.* at Para. [0242].

Therefore, since *Ginter* fails to disclose or even fairly suggest each feature of claims 1, 9 and 17, the rejection of claims 1, 9 and 17 cannot stand. Because claims 2-8 and 10-16 depend, either directly or indirectly from claims 1, 9 and 17, they are allowable for at least the same reasons.

**III. Conclusion**

In view of the above amendments and remarks, Applicant submits that Claims 1 – 17 are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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